



07-13-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #57

*TTAB*

Attorney Docket: 07133.8050

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

1-800-PLUMBER, INC.,

Petitioner,

v.

BETH ELLEN CLINE,

Registrant.

Cancellation No. 27,133 and 27,054

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

CI JUL 19 AM 9:50

**CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f)  
AND TO RESPOND TO SUMMARY JUDGMENT MOTION**

On December 5, 2000, the Board issued an Order that (a) required Registrant to serve any remaining discovery within thirty (30) days of the mailing date of that Order (i.e., until January 4, 2001) and (b) provided Petitioner thirty days thereafter (i.e., until February 3, 2001) to complete its 56(f) discovery, including a previously noticed deposition of Registrant, and to file its response to Registrant's summary judgment motion.

The parties had managed to schedule Ms. Cline's deposition for June 8, 2001, but the deposition did not go forward on that date because of Ms. Cline's poor health. Ms. Cline had been admitted to Johns Hopkins University Hospital the weekend of June 2, 2001 and was still hospitalized as of June 8th. Ms. Cline was not released from the

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

*Tm*

hospital until July 3, 2001, but, according to her counsel, Victor Serby, she will not be in condition to be deposed for at least several weeks, likely until sometime in August.

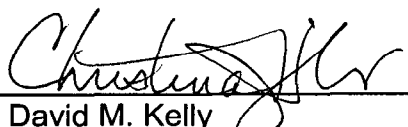
Accordingly, the parties request that the Board grant an extension of time of sixty (60) days, to and including September 16, 2001, of the deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133. Registrant's counsel, Victor M. Serby, stipulated to the requested extension in correspondence to Petitioner's counsel dated July 10, 2001.

This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: July 13, 2001

By:   
David M. Kelly  
Christina J. Hieber  
Attorneys for Petitioner

166347\_1.DOC

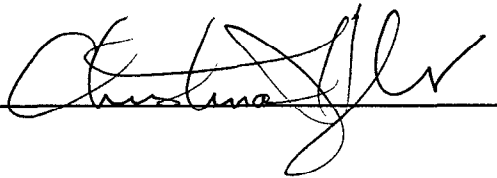
LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO  
EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY  
JUDGMENT MOTION was served on July 13, 2001 by first class mail, postage prepaid,  
on the following attorney for Registrant:

Victor M. Serby, Esq.  
350 Fifth Avenue – Suite 6307  
Empire State Building  
New York, New York 10118



---

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000